

EXHIBIT E

Kennedy, Susan-06-25-04.txt

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION
4 GRAND JURY
5
6
7

8 IN RE:

9 GRAND JURY INVESTIGATION CRC 03-0233

10

11

12

13 * * * * *

14

15 BE IT KNOWN that on Friday, June 25, 2004,
16 the testimony of SUSAN KENNEDY was taken before the
17 Grand Jury of the United States District Court for the
18 Middle District of Alabama, Northern Division, in the
19 Grand Jury Room, United States Courthouse, One Church
20 Street, Montgomery, Alabama; MR. STEPHEN P. FEAGA,
21 MR. LOUIS V. FRANKLIN, MR. J. B. PERRINE, and MR. JOHN
22 GIBBS interrogating.

23

24 * * * * *

25

2

1 SUSAN KENNEDY

2 The witness, having first been duly sworn to
3 speak the truth, the whole truth and nothing but the
4 truth, testified as follows:



Kennedy, Susan-06-25-04.txt

18 to Emelle and they had looked at some of the issues
19 and that he thought that there was a way that it could
20 be done if ADEM would say and classify the waste as
21 nonhazardous versus hazardous. That meant that you
22 didn't have to change the rate. The nature of the
23 waste changed. So you don't have to issue a new
24 regulation. You don't have to --

25 Q. How did the nature of the waste change?

37

1 A. They were -- my understanding was -- now, I
2 don't know. This is my understanding, is that they
3 were treating the waste before they delivered it to
4 the landfill, cleaning it. They were working on it to
5 clean it before they sent it to the landfill.

6 Q. And who did you get that understanding from?

7 A. I believe it was part of the argument that
8 the taxpayer made in support of the change.

9 Q. And what did you do to investigate whether or
10 not that representation was true?

11 A. I asked Wade to make sure that that was true,
12 that to -- to make sure that those arguments held
13 water. And my understanding was that people went to
14 the landfill, that people traveled down there from the
15 department to look at it. And when they got back, if
16 ADEM -- ADEM was going to do some more work to make
17 sure that was true. That wasn't really our job to
18 make sure that it was cleaned or not cleaned. That's
19 ADEM's job.

20 Q. So I want to be real clear. Your testimony
21 to this grand jury is that you were not pressured by
22 anyone to get this change made.

Kennedy, Susan-06-25-04.txt

23 A. I wasn't pressured by anyone to get the
24 change made. I was -- I was trying to do a good job
25 in the first week with a new boss.

1 Q. And that leaves a little window open.

2 A. It's not -- it's not like they said, you've
3 got to get this change done. I mean, nobody said that
4 to me. I don't ever recall anybody saying, you've got
5 to get this through; but I did want to --

6 Q. The question isn't did someone tell you you
7 had to do it. The question is, did you feel like you
8 were being pressured to make this happen?

9 A. For a particular outcome to happen?

10 Q. Yes, ma'am.

11 A. No. I don't -- I don't -- I wasn't -- I did
12 not feel pressured to make a particular outcome
13 happen.

14 Q. Okay. And did you in any way pressure
15 Mr. Hope to come up with a way to make this happen?

16 A. I do not believe that I did. I don't -- I
17 don't know whether he felt pressure or not, but I
18 don't believe that I pressured him.

19 MR. FEAGA: Do y'all have any questions for
20 Ms. Kennedy?

21 EXAMINATION

22 BY MR. PERRINE:

23 Q. Ms. Kennedy, as chief counsel for the
24 Department of Revenue, were you appointed by the
25 Governor?